

DURHAM CITY COUNCIL WORK SESSION
THURSDAY, MAY 22, 2008 – 1:00 P. M.
Committee Room – 2nd Floor – City Hall

Present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Absent: None.

SUBJECT: CONTRACT FOR JANITORIAL SERVICES FOR THE PUBLIC WORKS OPERATIONS CENTER - CB&H CONTRACTING INC.

To authorize the City Manager to execute a contract with CB&H Contracting Inc. to provide janitorial services for the Public Works Operations Center in the total amount of \$39,600.00; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council.

MOTION by Council Member Woodard seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of Vote: Mayor Bell.

Since Council Member Brown had questions concerning this item, the Mayor Pro Tem stated this item will be discussed later in the meeting.

SUBJECT: ZONING MAP CHANGE – FAIRFIELD AT HILLANDALE (Z07-39)

To conduct a public hearing and receive public comments on the zoning map change for Fairfield at Hillandale (Z07-39);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z07-39 out of RS-M, RU-5 and CG and placing same in and establishing same as RU-M(D) and CG(D); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

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Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on consistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 10-1 on February 12, 2008. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on inconsistency with neighboring land uses, problems with traffic congestion, concerns regarding impacts on the environment and opposition from the community.

[The site is located at 2800, 2951 Bertland Avenue, and 2619 Omah Street, south side of Bertland Avenue, west of Omah Street, north of I-85 and east of Hillandale Road. PIN's: 0813-20-90-6113; 0823-17-00-0360, -3106)]

MOTION by Council Member Woodard seconded by Council Member Catotti to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 1:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of Vote: Mayor Bell.

MOTION by Council Member Woodard seconded by Council Member Catotti to continue the public hearing for this item to the August 4, 2008 City Council Meeting was approved at 1:28 p.m. by the following vote: Ayes: Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent at time of Vote: Mayor Bell.

SUBJECT: MODIFICATION OF CITY OF DURHAM'S MINIMUM HOUSING CODE AND REMOVAL OF TRASH AND UNDERGROWTH FROM PROPERTY

To adopt the proposed ordinances, which amend portions of Article VI of Chapter 10 of the Durham City Code pertaining to the Minimum Housing Code and Article VI of Chapter 26 of the Durham City Code pertaining to Removal of Trash and Undergrowth from Property.

Neighborhood Improvement Services Director Constance Stancil stated this item deals with modifications to the Minimum Housing Code referencing the four ordinances for this item. She reported citizens from the community, the Realtors Association and the

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Apartment Association have expressed a concern with the ordinance that deals with the language for periodic inspections. In addition, she briefed Council on the language of concern referencing the following language in the ordinance Chapter 10, Article VI, Section 10-238[c]: *In addition, the administrator may adopt a periodic inspection program to provide for the routine inspection of all dwellings, dwelling units and rooming units and premises as defined in this article.* She stated they felt that the language should read differently and there should be no distinction made between housing units. After meeting with all parties, the language was amended to add *subject to Council's approval.*

Council Member Woodard asked staff how many rental property inspections have been conducted annually under the current ordinance.

Constance Stancil replied 75 -77 percent on an annual basis.

Council Member Woodard asked to staff to provide benchmarks—the number of inspections, trends and action taken as a result of inspection.

Constance Stancil gave an overview of the handout concerning the Targeted Systematic Rental Inspection Initiative that was provided to Council.

Council held discussion on the inspections, owners who were responsive and non-responsive, rationale for separating inspections by four quadrants, completion date of inspections, and access to the property.

Senior Assistant City Attorney Emanuel McGirt briefed Council on the state law regarding periodic inspections and access to the property.

Council Member Clement expressed concern with criminal activity that is taking place on certain premises on Angier Avenue.

A representative from Police Department discussed the process for informing the owner of illegal activity that is occurring on their property.

Dorcas Bradley stated Southwest Central Durham supports this effort.

Vivian McCoy spoke in support of this ordinance which will help to address slum lords and absentee property owners. She expressed concern with the housing conditions throughout the City of Durham and spoke in support of additional funding for code enforcement officers and demolition.

Lenor Clavijo spoke in support of changes to the minimum housing code expressing concern with boarded up houses; its impact on the community and with the Hispanic community living in rental substandard housing. She urged Council to support funding for a bi-lingual coordinator.

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Colin Crossman, representing the Triangle Apartments Association reported from the beginning the Association has been in support of the targeted neighborhood inspections program. He expressed concern with the language that has been adopted indicating that it's overly broad and defeats the purpose of a systematic targeted inspection approach. He stated this approach allows for a city-wide systematic approach which they do not support and it does not go far enough to prevent the establishment of a city-wide systematic approach; however, they do not have too many concerns with that anymore.

Rev. Melvin Whitley outlined three reasons why Council should support this issue. He stated the number of fires would decrease; the housing stock would improve and home values would increase.

Leslie Page, of the Durham Realtors Association, stated the Board voted last year to support this program, commented on the request she made last year for additional funding for this program and expressed concern with the language in the amendment which is overly broad and not in the spirit of cooperation established in over a year's worth of meetings which began in October 2006. She reported at a meeting with the Housing Department and the City Attorney's Office they presented alternative language in which part of the language was incorporated. She stated they would like to have more time to discuss the amendment before Council moves forward on this item.

Council Member Clement asked staff what is going to prevent Council from taking action on this item today.

Deputy City Manager Wanda Page stated it was the staff's intent to place this item on the Consent Agenda for the June 2, 2008 City Council Meeting and she stated they were not requesting that the rules be suspended.

Interim City Attorney Karen Sindelar noted that a public hearing was not required.

A motion was made Council Member Clement seconded by Council Member Ali to suspend the rules of the City Council and take action on the above-mentioned subject.

Council Member Brown made comments why the City should avoid a systematic inspection program and made comments in support of the amendment subject to Council's approval.

For clarification, Constance Stancil reported the 411 letters sent by the Department did not go to blighted property owners, but to all rental properties in the first quadrant. Also, she indicated that the 26 inspections were completed on those properties where the owners call in and staff was able to do an inspection. She reported other inspections were still taking place. She provided Council with a handout for Aging Housing Units in Durham and stated the Department is not advocating a city-wide program because they don't have the resources.

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Senior Attorney Emanuel McGirt gave an explanation of why this language was added to the rental program. He made comments noting this is a policy issue, but typically when ordinances are adopted they cover the entire City so staff wanted to draft it broadly so that it could be applied anywhere there are problems.

Council Member Woodard asked staff to provide quarterly updates on the progress of this program.

Council Member Brown stated inspectors need to follow the problem.

Interim City Attorney Karen Sindelar called Council's attention to the Legislative Program that included opposition to SB 1507 and HB 1011.

MOTION by Council Member Clement seconded by Council Member Ali to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 4:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

MOTION by Council Member Woodard seconded by Council Member Ali to adopt the proposed ordinances, which amend portions of Article VI of Chapter 10 of the Durham City Code pertaining to the Minimum Housing Code and Article VI of Chapter 26 of the Durham City Code pertaining to Removal of Trash and Undergrowth from Property was approved at 4:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

Ordinance #s

13600

13601

13602

13603

SUBJECT: CONTRACT FOR JANITORIAL SERVICES FOR THE PUBLIC WORKS OPERATIONS CENTER - CB&H CONTRACTING INC.

A motion was made earlier in the meeting to suspend the rules and to take action on this item.

Council Member Brown asked staff to continue to point out the bids from other companies and their amount in the staff report.

MOTION by Council Member Woodard seconded by Council Member Clement to authorize the City Manager to execute a contract with CB&H Contracting Inc. to provide

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janitorial services for the Public Works Operations Center in the total amount of \$39,600.00; and

To authorize the City Manager to modify the contract provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by the City Council was approved at 5:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti, Clement and Woodard. Noes: None. Absent: None.

SUBJECT: OLD SKOOL ALUMNI COALITION

Steve Avery, representing the Hillside Alumni Association, asked Council to support his request to serve alcohol at the Plaza of the Durham Centre for an Alumni Reunion Social Event for Hillside High School, Durham High School, Northern High School and Southern High School.

MOTION by Council Member Ali seconded by Council Member Woodard to suspend the rules of the City Council and take action on the above-mentioned subject was approved at 4:20 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti and Woodard. Noes: Council Member Clement. Absent: None.

MOTION by Council Member Woodard seconded by Council Member Ali to receive comments from S. Lajuan Avery requesting permission to serve alcohol at the Plaza of the Durham Centre for an Alumni Reunion Social Event during the first week of June; and

To grant request to serve alcohol at the Plaza of the Durham Centre for an Alumni Reunion Social event on June 7, 2008 was approved at 4:21 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Ali, Brown, Catotti and Woodard. Noes: Council Member Clement. Absent: None.

Linda E. Bratcher
Deputy City Clerk